



THE PW LAW FIRM

NEW JERSEY

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LLC

April 26, 2021

The Honorable Ronnie Abrams
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 1506
New York, New York 10007

Application granted.

SO ORDERED.

Ronnie Abrams, U.S.D.J.

April 26, 2021

Re: *United States v. Mayur Rele*,
Southern District of New York
19 Cr. 842 (RA)

Dear Judge Abrams:

Please accept this letter in lieu of a more formal motion for an adjournment of the pre-trial motion schedule currently set for this matter. This is defendant's third request for an adjournment. This Court granted defendant's first adjournment request dated November 30, 2020, and defendant's second request dated March 9, 2021. Counsel has conferred with Assistant United States Attorney Juliana Murray who does not object to this third request.

The parties do not believe the proposed amended motion schedule will affect the current trial schedule of October 18, 2021, nor the pre-trial conference or pre-trial submissions schedule. Excluded time has already been granted by this Court, under the Speedy trial Act, pursuant to 18 U.S.C. Section 3161(h)(7)(A) until October 18, 2021. The basis for this request is set forth below:

1. Discovery Status Update.

The undersigned obtained the discovery from The Federal Defender's office on December 28, 2020. The discovery consists of documents and images contained on several external hard drives containing in excess of ten terabytes of data. Much of the data is technical in nature. Defendant has retained a forensic expert to assist in that review; and, with his assistance, Counsel has been diligently conducting that review. During our review of the evidence we determined that several file folders contained on one of the hard drives that the Federal Defender

had provided to Counsel on December 28, 2020, appeared to be empty. Upon consultation with the Government it was determined that it is likely that when the material that was provided by the Government to the Federal Defender was copied to be produced to the undersigned, some files were lost in the reproduction. The Government has indicated that they will reproduce that material, but that said production may take several weeks. That production will involve approximately three terabytes of data which counsel will then have to review.

Additionally, a forensic report prepared by an outside consulting firm, KPMG, in response to the alleged hacking for which defendant stands accused, was provided in discovery with numerous pages heavily redacted. The Government has advised that those redactions relate to both vulnerabilities and recommended remediation of the victim company's computer systems. Given that Defendant is charged with computer crimes, the defendant takes the position that such information may contain exculpatory information, in so far as, certain vulnerabilities may tend to show that someone other than the defendant had exploited those vulnerabilities. The parties believe they have reached an acceptable compromise that will not require motion practice; and, the Government has indicated they will produce the material in the next few weeks in a less redacted format.

Finally, defendant believes that additional information of an exculpatory nature is contained in the victim company records. Defendant is drafting a motion for a subpoena *duces tecum* pursuant to Fed. R. Crim. P. 17(c) seeking production of certain records from the victim company. It is expected said motion will be filed imminently. Any production provided upon of the issuance of said subpoena would need to be reviewed before a final determination can be made as to the appropriateness of pre-trial motions.

2. Adjournment Request/Proposed Amended Pre-Trial Motions Schedule.

Accordingly, the undersigned defense counsel respectfully requests this Court grant an adjournment of the current pre-trial motions schedule. The Government has no objection to this request. The parties propose the following amended schedule for pretrial motions: Defense pretrial motions due on July 2, 2021, Government responses due on August 13, 2021, and Defense reply due on September 3, 2021.

Respectfully submitted,

/s/ Paul Wiegartner, Jr.

Paul Wiegartner, Jr., Esq.
Counsel for Defendant

PW:pjw
cc: Juliana Murray, Esq. (via ECF)